

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

C/M

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GREYSTONE BANK,

Plaintiff,

- against -

FELIX MIGUEL PERALTA, CYPRESS
FINANCIAL RECOVERIES LLC, NEW YORK
STATE DEPARTMENT OF TAXATION AND
FINANCE, NEW YORK CITY TRANSIT
ADJUDICATION BUREAU, and CITY OF
NEW YORK,

Defendants.
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ORDER

10 Civ. 0695 (BMC)

Defendant Peralta, appearing *pro se*, has filed a “motion to strike” plaintiffs’ affidavits filed in support of its motion for the appointment of a receiver on the ground that the affidavits contain hearsay. The motion is denied. The Court already granted the motion for the appointment of a receiver at the status conference. More importantly, the affidavits do not contain hearsay as to any material facts. A bank officer in charge of maintaining a loan file is able to testify about the contents of the loan file pursuant to the business records exception to the hearsay rule. The Court therefore denies the motion to strike and reaffirms its prior ruling granting plaintiff’s motion for the appointment of a receiver.

SO ORDERED.

/Signed by Judge Brian M. Cogan/

U.S.D./s.

Dated: Brooklyn, New York
April 7, 2010